



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
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December 17, 2015

Victory Holdings, LLC
c/o Joe Panico
507 Beechurst Avenue
Morgantown, WV 26505

RE: CU15-11 / Victory Holdings, LLC / 321 Brockway Avenue / Tax Map 29, Parcel 349

Dear Mr. Panico:

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced petition for conditional use of a "Two-Family Dwelling" located at 321 Brockway Avenue. The decision is as follows:

Board of Zoning Appeals, December 16, 2015:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved Case No. CU15-11 as requested with the following conditions:
 - a. That no less than three (3) onsite parking spaces shall be maintained for the "Two-Family Dwelling" conditional use for which approval is granted herein.
 - b. That, prior to issuance of a building permit to perform work for which conditional use approval is granted herein, access to said onsite parking spaces through the adjoining Parcel 348.1 of Tax Map 29 must be preserved by easement or similar recorded instrument running with the affected parcels.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

Should you have any questions or require further clarification, please contact the undersigned.

Respectfully,

Stacy Hollar
Executive Secretary

ADDENDUM A – Approved Findings of Fact
CU15-11 / Victory Holdings, LLC / 321 Brockway Avenue

Finding of Fact No. 1 – Congestion in the streets is not increased, in that:

Parking area already exists, does not create any congestion.

Finding of Fact No. 2 – Safety from fire, panic, and other danger is not jeopardized, in that:

Bringing structure up to current state building code.

Finding of Fact No. 3 – Provision of adequate light and air is not disturbed, in that:

No additions to structure that been there since 1940's.

Finding of Fact No. 4 – Overcrowding of land does not result, in that:

Parking area will exceed code requirements.

Finding of Fact No. 5 – Undue congestion of population is not created, in that:

The number of beds is being reduced from the existing seven (7) beds to the proposed six (6) beds.

Finding of Fact No. 6 – Granting this request will not create inadequate provision of transportation, water, sewage, schools, parks, or other public requirements, in that:

Rebuilding previous number of tenants and providing off street parking.

Finding of Fact No. 7 – Value of buildings will be conserved, in that:

Rebuilding damaged structure.

Finding of Fact No. 8 – The most appropriate use of land is encouraged, in that:

Adding three-bedroom units to B-4 zone is an attempt to diversify residents for families in downtown zone.